

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KENNETH T. RUSSELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17 C 1082
)	
THOMAS DART, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court, operating on the premise that pro se plaintiff Kenneth Russell ("Russell") would most likely be able to fill in the gaps in his original filings that asserted he had been subjected to violations of his constitutional rights while he was in custody at the Cook County Department of Corrections ("County Jail"), permitted Russell to proceed with his case in accordance with this Court's February 14, 2017 sua sponte memorandum opinion and order ("Opinion"). That Opinion allowed Russell's lawsuit to move forward at its threshold stage.

To turn first to the inquiry and calculation called for by 28 U.S.C. § 1915 ("Section 1915"), this Court's law clerk was successful in obtaining the prompt cooperation of the fiscal authority at Western Correctional Center ("Western," where Russell is now in custody) in providing information for the period from the time of Russell's transfer from the County Jail to Western until the presumptive date of "filing" of Russell's Complaint under the "mailbox rule." This Court's resultant calculation of the average monthly deposits to Russell's trust fund at two institutions during the relevant six-month period has determined that the average monthly deposits to his account during that time frame amounted to \$233, 20% of which came to \$46.60. Accordingly Russell is assessed an initial partial filing fee of \$46.60, and the Western trust fund

officer is ordered to collect that amount from Russell's trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department.

After such payment the trust fund officer at Western (or at any other correctional facility where Russell may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments shall clearly identify Russell's name and the 17 C 1082 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Western trust fund officer.

As for Russell's presumed entitlement to the designation of a member of this District Court's trial bar to represent him, he has not yet returned to this District Court the properly-filled-in form of Motion for Attorney Representation that this Court had sent him together with a copy of the Opinion. But this District Court's staff attorneys have provided the name of this member of the trial bar to represent Russell:

Kenneth Frederick Berg, Esq.
Ulmer & Berne, LLP
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This action is set for an initial status hearing to be held at 9 a.m. March 31, 2017, which should allow the newly-designated counsel time (1) to communicate with Russell about the case, (2) to arrange for service of process through the U.S. Marshals Service and (3) to attend the status hearing to discuss further proceedings in this action.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: February 17, 2017